



Reprinted
April 14, 2015

ENGROSSED HOUSE BILL No. 1542

DIGEST OF HB 1542 (Updated April 13, 2015 4:47 pm - DI 110)

Citations Affected: IC 7.1-1; IC 7.1-2; IC 7.1-3; IC 7.1-5.

Synopsis: Various alcoholic beverage matters. Establishes certain procedures and requirements for applications for renewal of alcoholic beverage permits. Allows the alcohol and tobacco commission (commission) to process a permit application while the location of the permit premises is pending and upon a showing of need by the applicant. Requires the commission to issue a temporary beer permit or temporary wine permit if: (1) the permit application is submitted not later than five business days before the event; and (2) the applicant meets all the requirements for a permit. Allows, if authorized by the chairman or chairman's designee and at the commission's discretion, the commission to issue a temporary beer permit or temporary wine (Continued next page)

Effective: Upon passage; July 1, 2015.

Dermody, GiaQuinta, Pierce

(SENATE SPONSORS — ALTING, ARNOLD J, MESSMER, RANDOLPH)

January 20, 2015, read first time and referred to Committee on Public Policy.
February 19, 2015, amended, reported — Do Pass.
February 23, 2015, read second time, amended, ordered engrossed.
February 24, 2015, engrossed. Re-engrossed.
February 24, 2015, read third time, passed. Yeas 83, nays 12.

SENATE ACTION

March 2, 2015, read first time and referred to Committee on Public Policy.
April 9, 2015, amended, reported favorably — Do Pass.
April 13, 2015, read second time, amended, ordered engrossed.

EH 1542—LS 7116/DI 87



permit to an applicant that: (1) submits an application later than five business days before the event; and (2) meets all the requirements for the permit. Requires the holder of a supplemental caterer's permit to give the commission 48 hours notice of a catered event (instead of 15 days notice of a catered event). Provides that provisions that prohibit the commission from issuing, renewing, or transferring permits to applicants that are delinquent in paying certain taxes does not apply to employee's permits. Allows a senior residence facility to, without an alcoholic beverage permit, possess and give or furnish an alcoholic beverage, by the bottle or by the glass, on the premises of the senior residence facility campus for consumption on the premises to: (1) a resident of the senior residence facility who is not a minor and who resides on the premises of the senior residence facility; or (2) a guest or family member of a resident who is not a minor and who is visiting the resident. Adds certain restaurants and hotels, to the types of premises that are exempt from certain provisions regarding the issuance of alcoholic beverage permits near a school or church. Provides that, if the commission receives a written statement from the authorized representative of a church or school and determines the church or school does not object to the issuance of an alcoholic beverage permit for certain premises, the commission may not consider subsequent objections from a church or school to the issuance of the same permit type at the same premises location. Changes, for three-way permits for certain restaurants and seasonal permits, requirements that the commission post notices in newspapers to posting notices on the commission's web site. Allows for the posting of printed notices, instead of publication of notice in a newspaper, if: (1) the commission is unable to procure advertising of the notice in a newspaper at the rate set forth in law; or (2) the newspaper refuses to publish the notice. Requires the publication of a notice of a pending investigation be at least five days (instead of 15 days) before the investigation. Provides that the holder of a club permit may designate one day each calendar week as a "guest day". (Current law provides that the holder of a club permit may designate three or fewer days in a month or nine or fewer consecutive days in a quarter as "guest days".) Allows certain employees who are convicted of operating while intoxicated to retain employee's permits if the employees submit information to the commission verifying that the employees have completed appropriate substance abuse treatment or education programs. (Current law requires the commission to revoke an employee's permit of an employee who is convicted of operating while intoxicated.) Establishes requirements and restrictions for certain drug stores or grocery stores and restaurants that are located in the same building. Removes provisions that: (1) increase the penalty for an alcoholic beverage retailer or dealer to accept a gift from an alcoholic beverage manufacturer or certain other permittees from a Class A misdemeanor to a Level 6 felony if the value of a gift is at least \$750; (2) restrict selling alcoholic beverages on Christmas; and (3) allow the holder of a club permit to designate 24 guest days in each calendar year if the club furnishes alcoholic beverages on not more than 2 days each week. Removes references to certain repealed provisions in the definition of "conviction for operating while intoxicated." Repeals language that restricts Sunday sales of alcohol in clubs.



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April 14, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1542

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-1-3-13.5, AS AMENDED BY P.L.40-2012,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 13.5. "Conviction for operating while intoxicated"
4 means a conviction (as defined in IC 9-13-2-38):
5 (1) in Indiana for
6 (A) ~~an alcohol related or drug related crime under Acts 1939;~~
7 ~~c.48, s.52; as amended, IC 9-4-1-54 (repealed September 1,~~
8 ~~1983); IC 9-11-2 (repealed July 1, 1991); or IC 14-1-5~~
9 ~~(repealed July 1, 1995); or~~
10 (B) a crime under IC 9-30-5-1 through IC 9-30-5-9,
11 ~~IC 35-46-9, IC 35-46-9-6, or IC 14-15-8 (before its repeal); or~~
12 (2) in any other jurisdiction in which the elements of the crime for
13 which the conviction was entered are substantially similar to the
14 elements of a crime described in IC 9-30-5-1 through IC 9-30-5-9,

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IC 35-46-9-6, or IC 14-15-8-8 (before its repeal).

SECTION 2. IC 7.1-2-3-20 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 20: The commission shall have the power to prohibit or regulate, by rule or regulation, the sale of alcoholic beverages within this state when the sale is being carried on in violation of IC 24-3-1 (repealed).~~

SECTION 3. IC 7.1-3-1-3, AS AMENDED BY P.L.224-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) A permit of any type issued by the commission, except as provided in subsections (b) and (f) or unless otherwise provided in this title, shall be in force for one (1) calendar year only, including the day upon which it is granted. At the end of the one (1) year period the permit shall be fully expired and null and void.

(b) Notwithstanding subsection (a), a permit that is subject to section 5.5 or 5.6 of this chapter is effective for two (2) calendar years, including the day upon which the permit is granted. However, a local board may recommend to the commission that the permit be issued or renewed for only a one (1) year period. The commission may issue or renew a permit for the period recommended by the local board.

(c) A permittee who is granted a two (2) year permit under subsection (b) or subsection (f) is liable for any annual fees assessed by the commission. The annual fee is due on the annual anniversary date upon which the permit was granted.

(d) If the commission grants a two (2) year permit, the commission may ask a local board to hold a hearing to reconsider the duration of a permittee's permit. A hearing held under this subsection is subject to section 5.5 or 5.6 of this chapter. A local board shall hold the hearing requested by the commission within thirty (30) days before the permittee's next annual anniversary date and forward a recommendation to the commission following the hearing.

(e) If a permittee is granted a permit for more than one (1) year, the commission shall require the permittee to file annually with the commission the information required for an annual permit renewal.

(f) Notwithstanding subsection (a), the following are effective for two (2) calendar years, including the day upon which the permit is granted:

- (1) A beer wholesaler's permit issued under IC 7.1-3-3-1.
- (2) A wine wholesaler's permit issued under IC 7.1-3-13-1.
- (3) A liquor wholesaler's permit issued under IC 7.1-3-8-1.

(g) Except as provided in subsection (h), the commission shall timely process a permittee's application for renewal of a permit unless the permittee receives a notice of a violation from the office



1 of the prosecutor created under IC 7.1-2-2-1.

2 (h) The commission may timely process an application for
3 renewal of a permit filed by a permittee that receives notice of a
4 violation as described in subsection (g) if the chairman or the
5 chairman's designee authorizes the application for renewal of the
6 permit to be timely processed.

7 (i) Except as provided in subsection (k), a permittee may file an
8 application for renewal of a permit not later than one (1) year after
9 the date the permit expires.

10 (j) Except as provided in subsection (k), if a permittee does not
11 file an application for renewal of a permit within one (1) year as
12 provided in subsection (i), the permit reverts to the commission. At
13 least thirty (30) days before the date that a permit reverts to the
14 commission, the commission shall provide written notice to the
15 permittee informing the permittee of the date that the permittee's
16 permit will revert to the commission.

17 (k) Subject to subsection (l), a permittee may file an application
18 for renewal of a permit more than one (1) year after the date the
19 permit expires if, not later than one (1) year after the date the
20 permit expires, the permittee obtains approval from the chairman
21 or the chairman's designee for an extension to file the application
22 for renewal.

23 (l) The chairman may allow the permittee to renew the permit
24 more than one (1) year after the date the permit expires only if the
25 permittee provides evidence that the permittee is engaged in an
26 administrative or court proceeding that prevents the permittee
27 from renewing the permit.

28 (m) A permit is effective upon the final approval of the
29 commission. Upon final approval of a permit, and upon the request
30 of the permittee, the commission shall provide the permittee with
31 a letter of authority to operate. The letter of authority to operate
32 constitutes authorization for the permittee to perform the actions
33 allowed under the permit until the date the permittee receives the
34 permit issued by the commission.

35 SECTION 4. IC 7.1-3-1-5 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. ~~Applications for~~
37 ~~Permits: Disclosures.~~ (a) Except as provided in subsection (b), an
38 application for a permit to sell alcoholic beverages of any kind, and the
39 required publication of notice, shall disclose the name of the applicant
40 and the specific address where the alcoholic beverages are to be sold,
41 and any assumed business name under which the business will be
42 conducted. The application and notice also shall disclose the names



and addresses of the president and secretary of the corporation, club, association or organization who will be responsible to the public for the sale of the alcoholic beverage if the applicant is a corporation, club, association, or other type of organization.

(b) An application for a permit may be processed by the commission while the location of the permit premises is pending, upon a showing of need by the permit applicant. Any permit issued by the commission while the location of the permit premises is pending shall be placed immediately into escrow upon approval of the permit by the commission. If a permit issued by the commission is placed into escrow under this subsection, the applicant must go before the local board for approval of the applicant. Before making a permit in escrow active, the permittee must go before the local board for approval of the location.

SECTION 5. IC 7.1-3-1-18, AS AMENDED BY P.L.224-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) ~~Whenever, under the provisions of this title,~~ **Except as provided in subsections (d) and (e),** if publication of notice of application for a permit is required **under this title**, the publication shall be made in one (1) newspaper of general circulation published in the county where the permit is to be in effect.

(b) Publication required ~~by this section~~ **under subsection (a)** may be made in any newspaper of general circulation published one (1) or more times each week.

(c) The rates which shall be paid for the advertising of a notice required under this title shall be those required to be paid in case of other notices published for or on behalf of the state.

(d) The commission may publish notice of application for a:

(1) three-way permit for a restaurant described in IC 7.1-3-20-12(4); or

(2) seasonal permit granted under IC 7.1-3-20-22;

by posting the notice on the commission's Internet web site.

(e) If:

(1) the commission is unable to procure advertising of a notice as required under subsection (a) at the rates set forth in IC 5-3-1; or

(2) the newspaper published in the county as described in subsection (a) refuses to publish the notice;

the commission may, instead of publication in a newspaper as required under subsection (a), require the designated member of the local board of the county to post printed notices in three (3) prominent locations in the county.



SECTION 6. IC 7.1-3-1-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 29. (a) For purposes of this section, "health facility" does not include an intermediate care facility for the mentally retarded.**

(b) As used in this section, "senior residence facility" means a:

(1) health facility licensed under IC 16-28; or

(2) housing with services establishment (as defined in IC 12-10-15-3).

(c) For purposes of this section, "senior residence facility campus" means a senior residence facility and the property on which a senior residence facility is located.

(d) A senior residence facility may, without a permit issued under this title, possess and give or furnish an alcoholic beverage, by the bottle or by the glass, on the premises of the senior residence facility campus for consumption on the premises to any of the following:

(1) A resident who:

(A) is not a minor; and

(B) resides on the premises of the senior residence facility.

(2) A guest or family member of a resident described in subdivision (1) who:

(A) is not a minor; and

(B) is visiting the resident at the senior residence facility.

(e) Subject to subsection (f), this section may not be construed to authorize a senior residence facility to sell alcoholic beverages on the premises of the senior residence facility campus without a permit under this title.

(f) For purposes of this section, a senior residence facility that:

(1) charges a:

(A) room and board fee to residents; or

(B) fee for organizing activities for:

(i) residents of the senior residence facility; and

(ii) guests or family members of the residents;

(2) uses a portion of a fee described in subdivision (1) to:

(A) purchase alcoholic beverages; and

(B) furnish the alcoholic beverages to individuals described in subsection (d); and

(3) does not purchase and furnish the alcoholic beverages for profit;

is not considered to be selling alcoholic beverages.

SECTION 7. IC 7.1-3-6-1 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Subject to sections 3.5 and 3.6 of this chapter, the commission may issue a temporary beer permit without publication of notice or investigation before a local board to a qualified person as provided in this chapter. In all other respects, a temporary beer permit shall be issued, revoked, and governed by the restrictions and limitations made in a provisional order or rule or regulation of the commission.

(b) The commission shall issue a temporary beer permit to an applicant if:

(1) the applicant submits an application for a temporary beer permit to the commission not later than five (5) business days before the event for which the permit is requested; and

(2) the applicant meets all requirements for a temporary beer permit.

(c) If authorized by the chairman or the chairman's designee, and at the commission's discretion, a temporary beer permit may be issued to an applicant that:

(1) submits an application for the temporary beer permit to the commission later than five (5) business days before the event for which the temporary beer permit is requested; and

(2) the applicant meets all requirements for a temporary beer permit.

SECTION 8. IC 7.1-3-9.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The holder of a supplemental caterer's permit shall notify the commission in writing **fifteen (15) days not later than forty-eight (48) hours** in advance of each function that the permittee intends to cater with alcoholic beverages. The commission may waive the **fifteen (15) day forty-eight (48) hour** notice period required under this subsection, **if authorized by the chairman or the chairman's designee**, but may not waive the requirement for filing notice.

(b) The notice shall include the following:

(1) The date, time, and location of the function to be catered.

(2) If the function is open to the public, located in a county having a population of less than one hundred fifty thousand (150,000), and located in a different county from the county where the permittee holds the three-way permit required under section 1 of this chapter, the signature of the following official on a document stating the official's approval of the catering of alcoholic beverages at the proposed date, time, and location:

(A) The president of the town council, if the location is in a town.



(B) The mayor, if the location is in a city.

(C) The president of the board of county commissioners, if the location is in unincorporated territory.

(c) If a permittee complies with all notice requirements of subsection (b), the commission in its absolute discretion has the authority, any other provision of this title to the contrary notwithstanding, to approve the proposed date and location of the function to be catered.

(d) The commission need not notify the permittee if the commission approved the proposed date and location, and the permittee may proceed as stated in the permittee's notice to the commission. The commission shall notify the permittee by certified United States mail, in advance of the function, if the commission does not approve the proposed date or location.

(e) A permittee whose proposed date or location has been disapproved by the commission still may cater the function on that date and at that location, but the permittee may not cater alcoholic beverages at that function on that date and at that location.

SECTION 9. IC 7.1-3-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Subject to section 5.5 of this chapter, the commission may issue a temporary wine permit without publication of notice or investigation before a local board to a qualified person as provided in this chapter. In all other respects, a temporary wine permit shall be issued, revoked, and governed by the restrictions and limitations made in a provisional order or rule or regulation of the commission.

(b) The commission shall issue a temporary wine permit to an applicant if:

(1) the applicant submits an application for a temporary wine permit to the commission not later than five (5) business days before the event for which the permit is requested; and

(2) the applicant meets all requirements for a temporary wine permit.

(c) If authorized by the chairman or the chairman's designee, and at the commission's discretion, a temporary wine permit may be issued to an applicant that:

(1) submits an application for the temporary wine permit to the commission later than five (5) business days before the event for which the temporary wine permit is requested; and

(2) the applicant meets all requirements for a temporary wine permit.

SECTION 10. IC 7.1-3-18-9, AS AMENDED BY P.L.165-2006,



SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The commission may issue an employee's

permit to a person who desires to act as:

- (1) a clerk in a package liquor store;
- (2) an employee who serves wine at a farm winery; or
- (3) a bartender, waiter, waitress, or manager in a retail establishment, excepting dining car and boat employees.

(b) A permit authorized by this section is conditioned upon the compliance by the holder with reasonable rules relating to the permit which the commission may prescribe from time to time.

(c) A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.

(d) A person who, for a package liquor store or retail establishment, is:

- (1) the sole proprietor;
- (2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;
- (3) a member of a limited liability company that owns the business establishment; or
- (4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

(f) The commission may not issue an employee's permit to an applicant while the applicant is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole.

(g) The commission may not issue an employee's permit to an applicant who has two (2) unrelated convictions for operating while intoxicated if:

- (1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and
- (2) the applicant completed the sentence for the second



conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit.

(h) If an applicant for an employee's permit has at least three (3) unrelated convictions for operating while intoxicated in the ten (10) years immediately preceding the date of the applicant's application for the permit, the commission may not grant the issuance of the permit. If, in the ten (10) years immediately preceding the date of the applicant's application the applicant has:

(1) one (1) conviction for operating while intoxicated, and the applicant is not subject to subsection (f); or

(2) two (2) unrelated convictions for operating while intoxicated, and the applicant is not subject to subsection (f) or (g); the commission may grant or deny the issuance of a permit.

(i) **Except as provided under section 9.5 of this chapter**, the commission shall revoke a permit issued to an employee under this section if:

(1) the employee is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a); or

(2) the employee is convicted of operating while intoxicated after the issuance of the permit.

The commission may revoke a permit issued to an employee under this section for any violation of this title or the rules adopted by the commission.

SECTION 11. IC 7.1-3-18-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 9.5. (a) This section applies only to an employee who:**

(1) holds an employee's permit issued under section 9 of this chapter;

(2) is convicted of operating while intoxicated;

(3) does not have a prior conviction for operating while intoxicated; and

(4) was at least twenty-one (21) years of age at the time the employee committed the offense of operating while intoxicated for which the employee was convicted.

(b) The commission shall send to the most recent mailing address that the commission has on file a written notice to an employee that the employee's permit will be revoked six (6) months after the date of sentencing for the conviction of operating while intoxicated unless the employee submits to the commission, on a form prescribed by the commission, information verifying that the



1 employee has completed an appropriate substance abuse treatment
 2 or education program that was provided by a provider certified by
 3 the division of mental health and addiction.

4 (c) If an employee fails to submit the information as required
 5 under subsection (b) within six (6) months from the date of the
 6 sentencing, the commission shall revoke the employee's permit.

7 SECTION 12. IC 7.1-3-19-5, AS AMENDED BY P.L.94-2008,
 8 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2015]: Sec. 5. The commission shall cause one (1) notice of
 10 the pending investigation to be published in a newspaper in accordance
 11 with the provisions of IC 7.1-3-1-18. The publication of the notice shall
 12 be at least ~~fifteen (15)~~ **five (5)** days before the investigation.

13 SECTION 13. IC 7.1-3-20-2.5 IS REPEALED [EFFECTIVE JULY
 14 1, 2015]. Sec. 2.5: (a) This section applies to each holder of a permit
 15 issued under section 2, 3, or 4 of this chapter.

16 (b) A permit holder may sell alcoholic beverages under the terms of
 17 the permit on any twelve (12) Sundays during a calendar year.

18 (c) Sales under this section may be made only for on-premises
 19 consumption.

20 SECTION 14. IC 7.1-3-20-8.6, AS AMENDED BY P.L.216-2011,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2015]: Sec. 8.6. (a) The holder of a club permit may do the
 23 following:

24 (1) Designate **one (1) day each calendar week** as a "guest day".
 25 or "guest days":

26 (A) ~~three (3) or fewer days in a month; or~~

27 (B) ~~nine (9) or fewer consecutive days in a quarter.~~

28 (2) Keep a record of all designated guest days.

29 (3) Invite guests who are not members of the club to attend the
 30 club on a guest day.

31 (4) Sell or give alcoholic beverages to guests for consumption on
 32 the permit premises on a guest day.

33 (5) Keep a guest book listing members and their nonmember
 34 guests, except on a designated guest day.

35 (b) This subsection applies to a club that furnishes alcoholic
 36 beverages on not more than two (2) days in each week.
 37 Notwithstanding subsection (a)(1), the holder of a club permit to which
 38 this subsection applies may designate twenty-four (24) guest days in
 39 each calendar year rather than one (1) guest day in each month.

40 SECTION 15. IC 7.1-3-21-11 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) As used in this
 42 section, "wall" means a wall of a building. The term does not include



1 a boundary wall.

2 (b) Except as provided in ~~subsection~~ **subsections (c) and (g)**, the
3 commission ~~shall may~~ not issue a permit for a premises if a wall of the
4 premises is situated within two hundred (200) feet from a wall of a
5 school or church, if no permit has been issued for the premises under
6 the provisions of Acts 1933, Chapter 80.

7 (c) This section does not apply to ~~the~~ premises ~~if: of a:~~

8 (1) ~~the premises of a~~ grocery store, ~~or~~ drug store, ~~or~~ restaurant
9 **that is not located on the premises of a hotel** if:

10 (A) a wall of the premises is situated within two hundred (200)
11 feet from a wall of a church or school;

12 (B) the commission receives ~~the a~~ written statement ~~of from~~
13 the authorized representative of the church or school stating
14 expressly that the church or school does not object to the
15 issuance of the permit for the premises; and

16 (C) the commission determines that the church or school does
17 not object to the issuance of the permit for the premises; ~~or~~

18 (2) ~~a~~ church or school that applies for a temporary beer or wine
19 permit; ~~or~~

20 **(3) hotel.**

21 (d) The commission shall base its determination under subsection
22 (c)(1)(C) solely on the written statement of the authorized
23 representative of the church or school.

24 (e) If the commission does not receive the written statement of the
25 authorized representative of the church or school, the premises of the
26 grocery store, ~~or~~ drug store, ~~or~~ restaurant **described in subsection**
27 **(c)(1) may not obtain the waiver allowed under is not exempt from**
28 **this subsection: section.**

29 (f) If the commission determines that the church or school does not
30 object, this section and IC 7.1-3-21-10 do not apply to the permit
31 premises of the grocery store, ~~or~~ drug store, ~~or~~ restaurant **described**
32 **in subsection (c)(1) on a subsequent renewal or transfer of ownership.**

33 **(g) If the commission:**

34 **(1) receives a written statement from the authorized**
35 **representative of a church or school as described in subsection**
36 **(c)(1)(B); and**

37 **(2) determines the church or school does not object as**
38 **described in subsection (c)(1)(C);**

39 **the commission may not consider subsequent objections from the**
40 **church or school to the issuance of the same permit type at the**
41 **same premises location.**

42 SECTION 16. IC 7.1-3-21-15, AS AMENDED BY



P.L.293-2013(ts), SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. **(a) This section does not apply to an employee's permit under IC 7.1-3-18-9.**

(a) (b) The commission shall not issue, renew, or transfer a wholesaler, retailer, dealer, or other permit of any type if the applicant:

(1) is seeking a renewal and the applicant has not paid all the property taxes under IC 6-1.1 and the innkeeper's tax under IC 6-9 that are due currently;

(2) is seeking a transfer and the applicant has not paid all the property taxes under IC 6-1.1 and innkeeper's tax under IC 6-9 for the assessment periods during which the transferor held the permit;

(3) is seeking a renewal or transfer and is at least thirty (30) days delinquent in remitting state gross retail taxes under IC 6-2.5 or withholding taxes required to be remitted under IC 6-3-4; or

(4) is on the most recent tax warrant list supplied to the commission by the department of state revenue.

(b) (c) The commission shall issue, renew, or transfer a permit that the commission denied under subsection **(a) (b)** when the appropriate one (1) of the following occurs:

(1) The person, if seeking a renewal, provides to the commission a statement from the county treasurer of the county in which the property of the applicant was assessed indicating that all the property taxes under IC 6-1.1 and, in a county where the county treasurer collects the innkeeper's tax, the innkeeper's tax under IC 6-9 that were delinquent have been paid.

(2) The person, if seeking a transfer of ownership, provides to the commission a statement from the county treasurer of the county in which the property of the transferor was assessed indicating that all the property taxes under IC 6-1.1 and, in a county where the county treasurer collects the innkeeper's tax, the innkeeper's tax under IC 6-9 have been paid for the assessment periods during which the transferor held the permit.

(3) The person provides to the commission a statement from the commissioner of the department of state revenue indicating that the person's tax warrant has been satisfied, including any delinquency in innkeeper's tax if the state collects the innkeeper's tax for the county in which the person seeks the permit.

(4) The commission receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

(5) The commission receives a notice from the commissioner of the department of state revenue stating that the state gross retail



1 and withholding taxes described in subsection ~~(a)(3)~~ **(b)(3)** have
2 been remitted to the department.

3 ~~(c)~~ **(d)** An applicant may not be considered delinquent in the
4 payment of listed taxes if the applicant has filed a proper protest under
5 IC 6-8.1-5-1 contesting the remittance of those taxes. The applicant
6 shall be considered delinquent in the payment of those taxes if the
7 applicant does not remit the taxes owed to the state department of
8 revenue after the later of the following:

9 (1) The expiration of the period in which the applicant may appeal
10 the listed tax to the tax court, in the case of an applicant who does
11 not file a timely appeal of the listed tax.

12 (2) When a decision of the tax court concerning the applicant's
13 appeal of the listed tax becomes final, in the case of an applicant
14 who files a timely appeal of the listed tax.

15 ~~(d)~~ **(e)** The commission may require that an applicant for the
16 issuance, renewal, or transfer of a wholesaler's, retailer's, or dealer's, or
17 other permit of any type furnish proof of the payment of a listed tax (as
18 defined by IC 6-8.1-1-1), tax warrant, or taxes imposed by IC 6-1.1.

19 SECTION 17. IC 7.1-5-5-10, AS AMENDED BY P.L.159-2014,
20 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2015]: Sec. 10. (a) It is unlawful for a person who holds a
22 retailer's or dealer's permit of any type to receive or accept from a
23 manufacturer of alcoholic beverages, or from a permittee authorized to
24 sell and deliver alcoholic beverages, a rebate, sum of money, accessory,
25 furniture, fixture, loan of money, concession, privilege, use, title,
26 interest, or lease, rehabilitation, decoration, improvement or repair of
27 premises.

28 (b) A person who knowingly or intentionally violates this section
29 commits a Class A misdemeanor. ~~However, the offense is a Level 6~~
30 ~~felony if the value received or accepted is at least seven hundred fifty~~
31 ~~dollars (\$750).~~

32 SECTION 18. IC 7.1-5-7-11, AS AMENDED BY P.L.10-2010,
33 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 11. (a) The provisions of sections 9 and 10 of
35 this chapter shall not apply if the public place involved is one (1) of the
36 following:

- 37 (1) Civic center.
- 38 (2) Convention center.
- 39 (3) Sports arena.
- 40 (4) Bowling center.
- 41 (5) Bona fide club.
- 42 (6) Drug store.



- 1 (7) Grocery store.
- 2 (8) Boat.
- 3 (9) Dining car.
- 4 (10) Pullman car.
- 5 (11) Club car.
- 6 (12) Passenger airplane.
- 7 (13) Horse racetrack facility holding a recognized meeting permit
- 8 under IC 4-31-5.
- 9 (14) Satellite facility (as defined in IC 4-31-2-20.5).
- 10 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
- 11 public.
- 12 (16) That part of a hotel or restaurant which is separate from a
- 13 room in which is located a bar over which alcoholic beverages are
- 14 sold or dispensed by the drink.
- 15 (17) Entertainment complex.
- 16 (18) Indoor golf facility.
- 17 (19) A recreational facility such as a golf course, bowling center,
- 18 or similar facility that has the recreational activity and not the sale
- 19 of food and beverages as the principal purpose or function of the
- 20 person's business.
- 21 (20) A licensed premises owned or operated by a postsecondary
- 22 educational institution described in IC 21-17-6-1.
- 23 (21) An automobile racetrack.
- 24 (22) An indoor theater under IC 7.1-3-20-26.
- 25 **(23) A senior residence facility campus (as defined in**
- 26 **IC 7.1-3-1-29(c)) at which alcoholic beverages are given or**
- 27 **furnished as provided under IC 7.1-3-1-29.**
- 28 (b) For the purpose of this subsection, "food" means meals prepared
- 29 on the licensed premises. It is lawful for a minor to be on licensed
- 30 premises in a room in which is located a bar over which alcoholic
- 31 beverages are sold or dispensed by the drink if all the following
- 32 conditions are met:
- 33 (1) The minor is eighteen (18) years of age or older.
- 34 (2) The minor is in the company of a parent, guardian, or family
- 35 member who is twenty-one (21) years of age or older.
- 36 (3) The purpose for being on the licensed premises is the
- 37 consumption of food and not the consumption of alcoholic
- 38 beverages.
- 39 SECTION 19. IC 7.1-5-10-1, AS AMENDED BY P.L.159-2014,
- 40 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2015]: Sec. 1. (a) Except as provided in subsection (c), it is
- 42 unlawful to sell alcoholic beverages at ~~the following times:~~



1 ~~(1) At~~ a time other than that made lawful by the provisions of
 2 IC 7.1-3-1-14.

3 ~~(2) On Christmas Day and until 7:00 o'clock in the morning,~~
 4 ~~prevailing local time, the following day.~~

5 (b) During the time when the sale of alcoholic beverages is
 6 unlawful, no alcoholic beverages shall be sold, dispensed, given away,
 7 or otherwise disposed of on the licensed premises and the licensed
 8 premises shall remain closed to the extent that the nature of the
 9 business carried on at the premises, as at a hotel or restaurant, permits.

10 (c) It is lawful for the holder of a valid beer, wine, or liquor
 11 wholesaler's permit to sell to the holder of a valid retailer's or dealer's
 12 permit at any time.

13 (d) A person who knowingly or intentionally violates this section
 14 commits a Class B misdemeanor.

15 SECTION 20. IC 7.1-5-10-26 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2015]: **Sec. 26. (a) This section does not apply**
 18 **to the licensed premises of a drug store, grocery store, or**
 19 **restaurant to which the following apply:**

20 (1) A person has, as of July 1, 2015, an application on file with
 21 the commission for a:

22 (A) dealer's permit for the drug store or grocery store; and

23 (B) retailer's permit for the restaurant.

24 (2) The licensed premises of the:

25 (A) drug store or grocery store; and

26 (B) restaurant;

27 as described in the permit applications, are located in the
 28 same building.

29 (b) If:

30 (1) a person has an interest in:

31 (A) a dealer's permit for a drug store or grocery store; and

32 (B) a retailer's permit for a restaurant; and

33 (2) the licensed premises of the drug store or grocery store
 34 and the restaurant are located in the same building;

35 the licensed premises of the drug store or grocery store and the
 36 licensed premises of the restaurant must be completely separated
 37 by a wall and have separate entrances.

38 (c) Beer, wine, and liquor may not be sold for carry out from the
 39 licensed premises of a restaurant described in subsection (b).

40 SECTION 21. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1542, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-2-3-20 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 20: ~~The commission shall have the power to prohibit or regulate, by rule or regulation, the sale of alcoholic beverages within this state when the sale is being carried on in violation of IC 24-3-1~~ (repealed).".

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"(j) At least thirty (30) days before the date a permit will revert to the commission, the commission shall send notice to the permittee that the permittee's permit will revert to the commission.

(k) A permittee may renew a permit more than one (1) year after the date the permit expires if the permittee obtains the approval of the chairman or the chairman's designee before one (1) year after the date the permit expires.

(l) The chairman may allow the permittee to renew the permit more than one (1) year after the expiration of the permit if the permittee provides evidence that the permittee is engaged in an administrative or court proceeding that prevents the permittee from renewing the permit."

Page 2, line 29, delete "(j)" and insert "(m)".

Page 3, line 11, after "commission." insert **"If a permit issued by the commission is placed into escrow under this subsection, the applicant must go before the local board for approval of the applicant. Before making a permit in escrow active, the permittee must go before the local board for approval of the location.**

SECTION 4. IC 7.1-3-1-18, AS AMENDED BY P.L.224-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. ~~(a)~~ Whenever, under the provisions of this title, publication of notice of application for a permit is required, the publication shall be made in ~~one (1) newspaper of general circulation published in the county where the permit is to be in effect on the commission's Internet web site.~~

~~(b) Publication required by this section may be made in any newspaper of general circulation published one (1) or more times each week.~~

~~(c) The rates which shall be paid for the advertising of a notice~~



required under this title shall be those required to be paid in ease of other notices published for or on behalf of the state."

Page 3, line 23, after "of the" insert "**campus of the**".

Page 6, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 9. IC 7.1-3-19-5, AS AMENDED BY P.L.94-2008, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. The commission shall cause one (1) notice of the pending investigation to be published **in a newspaper on the Internet web site of the commission** in accordance with the provisions of IC 7.1-3-1-18. The publication of the notice shall be at least fifteen (15) days before the investigation.

SECTION 10. IC 7.1-3-20-2.5 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 2.5: (a) This section applies to each holder of a permit issued under section 2, 3, or 4 of this chapter:

(b) A permit holder may sell alcoholic beverages under the terms of the permit on any twelve (12) Sundays during a calendar year:

(c) Sales under this section may be made only for on-premises consumption:

SECTION 11. IC 7.1-3-20-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6.5. A member of a club may invite guests to the club one (1) night each week.

SECTION 12. IC 7.1-3-21-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) As used in this section, "wall" means a wall of a building. The term does not include a boundary wall.

(b) Except as provided in ~~subsection~~ **subsections (c) and (d)**, the commission shall not issue a permit for a premises if a wall of the premises is situated within two hundred (200) feet from a wall of a school or church, if no permit has been issued for the premises under the provisions of Acts 1933, Chapter 80.

(c) This section does not apply to premises if:

(1) the premises ~~of is~~ a grocery store, ~~or~~ drug store, **restaurant, or bar** if:

(A) a wall of the premises is situated within two hundred (200) feet from a wall of a church or school;

(B) the commission receives ~~the a~~ written statement of ~~the an~~ authorized representative of the church or school stating expressly that the church or school does not object to the issuance of the permit for the premises; and

(C) the commission determines that the church or school does not object to the issuance of the permit for the premises; or



(2) **the premises is** a church or school that applies for a temporary beer or wine permit.

(d) This section does not apply to the premises of a hotel.

~~(d)~~ (e) The commission shall base its determination under subsection (c)(1)(C) solely on the written statement of the authorized representative of the church or school.

~~(e)~~ (f) If the commission does not receive the written statement of the authorized representative of the church or school, the premises of the grocery store, ~~or~~ drug store, **restaurant, or bar** may not obtain the waiver allowed under this subsection.

~~(f)~~ (g) If the commission determines that the church or school does not object, this section and IC 7.1-3-21-10 do not apply to the permit premises of the grocery store, ~~or~~ drug store, **restaurant, or bar** or on a subsequent renewal or transfer of ownership.

(h) If a church or school does not object to the issuance of a permit for premises under subsection (c)(1)(C), the commission may not consider subsequent objections from the church or school for future permits for premises."

Page 9, after line 2, begin a new paragraph and insert:

"SECTION 16. IC 7.1-5-10-1, AS AMENDED BY P.L.159-2014, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as provided in subsection (c), it is unlawful to sell alcoholic beverages at ~~the following times:~~

~~(1) At~~ a time other than that made lawful by the provisions of IC 7.1-3-1-14.

~~(2) On Christmas Day and until 7:00 o'clock in the morning, prevailing local time; the following day.~~

(b) During the time when the sale of alcoholic beverages is unlawful, no alcoholic beverages shall be sold, dispensed, given away, or otherwise disposed of on the licensed premises and the licensed premises shall remain closed to the extent that the nature of the business carried on at the premises, as at a hotel or restaurant, permits.

(c) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.



(d) A person who knowingly or intentionally violates this section commits a Class B misdemeanor."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1542 as introduced.)

DERMODY

Committee Vote: yeas 9, nays 1.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1542 be amended to read as follows:

Page 4, line 5, delete "JULY" and insert "UPON PASSAGE]:".

Page 4, line 6, delete "1, 2015]:".

Page 10, line 5, delete "JULY 1, 2015]:" and insert "UPON PASSAGE]:".

Page 11, after line 27, begin a new paragraph and insert:

"SECTION 17. **An emergency is declared for this act.**".

(Reference is to HB 1542 as printed February 20, 2015.)

PIERCE

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill No. 1542, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 25, delete "(h)" and insert "**(h)**".

Page 2, line 26, delete "permit." and insert "**permit unless the permittee receives a notice of a violation from the office of the prosecutor created under IC 7.1-2-2-1.**".

Page 2, delete lines 27 through 40, begin a new paragraph and insert:

"**(h) The commission may timely process an application for renewal of a permit filed by a permittee that receives notice of a violation as described in subsection (g) if the chairman or the**



chairman's designee authorizes the application for renewal of the permit to be timely processed.

(i) Except as provided in subsection (k), a permittee may file an application for renewal of a permit not later than one (1) year after the date the permit expires.

(j) Except as provided in subsection (k), if a permittee does not file an application for renewal of a permit within one (1) year as provided in subsection (i), the permit reverts to the commission. At least thirty (30) days before the date that a permit reverts to the commission, the commission shall provide written notice to the permittee informing the permittee of the date that the permittee's permit will revert to the commission.

(k) Subject to subsection (l), a permittee may file an application for renewal of a permit more than one (1) year after the date the permit expires if, not later than one (1) year after the date the permit expires, the permittee obtains approval from the chairman or the chairman's designee for an extension to file the application for renewal."

Page 2, line 42, delete "expiration of the permit" and insert **"date the permit expires only"**.

Page 4, between lines 12 and 13, begin a new paragraph and insert:

"(c) For purposes of this section, "senior residence facility campus" includes a senior residence facility or the property on which a senior residence facility is located."

Page 4, line 13, delete "(c)" and insert **"(d)"**.

Page 4, line 15, delete "campus of the" and insert **"senior residence facility campus"**.

Page 4, line 16, delete "senior residence facility".

Page 4, line 25, delete "(d)" and insert **"(e)"**.

Page 4, line 25, delete "(e)," and insert **"(f),"**.

Page 4, line 28, delete "(e)" and insert **"(f)"**.

Page 4, line 37, delete "(c);" and insert **"(d);"**.

Page 5, line 10, delete "forty-eight (48) hours" and insert **"five (5) business days"**.

Page 5, line 18, delete "forty-eight (48) hours" and insert **"five (5) business days"**.

Page 6, line 29, delete "forty-eight (48) hours" and insert **"five (5) business days"**.

Page 6, line 37, delete "forty-eight (48) hours" and insert **"five (5) business days"**.

Page 6, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 9. IC 7.1-3-18-9, AS AMENDED BY P.L.165-2006,



SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. **(a) As used in this section, "evaluation and treatment program" means an evaluation and treatment program provided by:**

- (1) an addiction counselor; or**
- (2) a clinical addiction counselor;**

licensed under IC 25-23.6-10.5.

~~(a)~~ **(b)** The commission may issue an employee's permit to a person who desires to act as:

- (1) a clerk in a package liquor store;
- (2) an employee who serves wine at a farm winery; or
- (3) a bartender, waiter, waitress, or manager in a retail establishment, excepting dining car and boat employees.

~~(b)~~ **(c)** A permit authorized by this section is conditioned upon the compliance by the holder with reasonable rules relating to the permit which the commission may prescribe from time to time.

~~(c)~~ **(d)** A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.

~~(d)~~ **(e)** A person who, for a package liquor store or retail establishment, is:

- (1) the sole proprietor;
- (2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;
- (3) a member of a limited liability company that owns the business establishment; or
- (4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection ~~(a)~~ **(b)**.

~~(e)~~ **(f)** An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

~~(f)~~ **(g)** The commission may not issue an employee's permit to an applicant while the applicant is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole.



(h) Notwithstanding subsection (g), the commission may issue an employee's permit to an applicant while the applicant is serving a sentence for operating while intoxicated, including any term of probation or parole, if:

(1) the sentence the applicant is serving is for the applicant's first conviction of operating while intoxicated; and

(2) the applicant:

(A) is enrolled in; or

(B) has completed during the sentence;

an evaluation and treatment program.

~~(g)~~ **(i)** The commission may not issue an employee's permit to an applicant who has two (2) unrelated convictions for operating while intoxicated if:

(1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and

(2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit.

~~(h)~~ **(j)** If an applicant for an employee's permit has at least three (3) unrelated convictions for operating while intoxicated in the ten (10) years immediately preceding the date of the applicant's application for the permit, the commission may not grant the issuance of the permit. If, in the ten (10) years immediately preceding the date of the applicant's application the applicant has:

(1) one (1) conviction for operating while intoxicated, and the applicant is not subject to subsection ~~(f)~~; (g); or

(2) two (2) unrelated convictions for operating while intoxicated, and the applicant is not subject to subsection ~~(f)~~ or ~~(g)~~; (g) or (i);

the commission may grant or deny the issuance of a permit.

~~(i)~~ **(k)** The commission shall revoke a permit issued to an employee under this section if:

(1) the employee is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a); or

(2) the employee is convicted of operating while intoxicated after the issuance of the permit.

The commission may revoke a permit issued to an employee under this section for any violation of this title or the rules adopted by the commission."

Page 7, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 12. IC 7.1-3-20-8.6, AS AMENDED BY P.L.216-2011,



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8.6. ~~(a)~~ The holder of a club permit may do the following:

(1) Designate **one (1) night each calendar week** as a "guest day".
or "guest days":

(A) ~~three (3) or fewer days in a month; or~~

(B) ~~nine (9) or fewer consecutive days in a quarter.~~

(2) Keep a record of all designated guest days.

(3) Invite guests who are not members of the club to attend the club on a guest day.

(4) Sell or give alcoholic beverages to guests for consumption on the permit premises on a guest day.

(5) Keep a guest book listing members and their nonmember guests, except on a designated guest day.

~~(b) This subsection applies to a club that furnishes alcoholic beverages on not more than two (2) days in each week. Notwithstanding subsection (a)(1), the holder of a club permit to which this subsection applies may designate twenty-four (24) guest days in each calendar year rather than one (1) guest day in each month.~~

SECTION 13. IC 7.1-3-21-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) As used in this section, "wall" means a wall of a building. The term does not include a boundary wall.

(b) Except as provided in ~~subsection~~ **subsections (c) and (g)**, the commission ~~shall~~ **may** not issue a permit for a premises if a wall of the premises is situated within two hundred (200) feet from a wall of a school or church, if no permit has been issued for the premises under the provisions of Acts 1933, Chapter 80.

(c) This section does not apply to ~~the~~ **premises if: of a:**

(1) ~~the premises of a~~ grocery store, ~~or~~ drug store, ~~or~~ restaurant **that is not located on the premises of a hotel if:**

(A) a wall of the premises is situated within two hundred (200) feet from a wall of a church or school;

(B) the commission receives ~~the a~~ written statement ~~of from~~ the authorized representative of the church or school stating expressly that the church or school does not object to the issuance of the permit for the premises; and

(C) the commission determines that the church or school does not object to the issuance of the permit for the premises; ~~or~~

(2) ~~a~~ church or school that applies for a temporary beer or wine permit; ~~or~~

(3) **hotel.**



(d) The commission shall base its determination under subsection (c)(1)(C) solely on the written statement of the authorized representative of the church or school.

(e) If the commission does not receive the written statement of the authorized representative of the church or school, the premises of the grocery store, ~~or drug store, or restaurant described in subsection (c)(1) may not obtain the waiver allowed under~~ **is not exempt from this subsection: section.**

(f) If the commission determines that the church or school does not object, this section and IC 7.1-3-21-10 do not apply to the permit premises of the grocery store, ~~or drug store, or restaurant described in subsection (c)(1)~~ on a subsequent renewal or transfer of ownership.

(g) If the commission:

(1) receives a written statement from the authorized representative of a church or school as described in subsection (c)(1)(B); and

(2) determines the church or school does not object as described in subsection (c)(1)(C);

the commission may not consider subsequent objections from the church or school to the issuance of the same permit type at the same premises location."

Page 8, delete lines 1 through 12.

Page 9, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 15. IC 7.1-3-23-44, AS ADDED BY P.L.80-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 44. (a) As used in this section, "bureau" refers to the child support bureau of the department of child services established by IC 31-25-3-1.

(b) As used in this section, "delinquent" has the meaning set forth in IC 4-35-2-3.5.

(c) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(k), the commission shall send to the person who is the subject of the order a notice that includes the following information:

(1) The person is delinquent and subject to an order placing the person on probationary status.

(2) That unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;



within twenty (20) days after the date the notice is mailed, the commission shall place the person on probationary status with respect to a permit issued to the person under ~~IC 7.1-3-18-9(a)(3)~~. **IC 7.1-3-18-9(b)(3).**

(3) The person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) The only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) The procedures to:

- (A) pay the person's child support arrearage in full;
- (B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and
- (C) request a hearing under IC 31-25-4-33.

(6) The probation will end ten (10) business days after the date that the commission receives a notice from the bureau that the person has:

- (A) paid the person's child support arrearage in full; or
- (B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(d) If the commission is advised by the bureau that the obligor either requested a hearing and failed to appear or appeared and was found to be delinquent, the commission shall send to the person who is the subject of the order a notice that states the following:

(1) That a permit issued to the person under ~~IC 7.1-3-18-9(a)(3)~~ **IC 7.1-3-18-9(b)(3)** has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will end ten (10) business days after the date that the commission receives a notice from the bureau that the person has:

- (A) paid the person's child support arrearage in full; or
- (B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the commission is advised by the bureau that the person whose permit has been placed on probationary status has failed to:

- (A) pay the person's child support arrearage in full; or



- (B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;
 within twenty (20) days after the date the notice is mailed, the commission shall suspend the person's permit.
- (e) If a person whose permit has been placed on probationary status fails to:
- (1) pay the person's child support arrearage in full; or
 - (2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;
- within twenty (20) days after the notice required under subsection (c) is mailed, the commission shall suspend the person's permit.
- (f) The commission may not reinstate a permit placed on probation or suspended under this section until the commission receives a notice from the bureau that the person has:
- (1) paid the person's child support arrearage in full; or
 - (2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5."

Page 10, between lines 2 and 3, begin a new paragraph and insert:
 "SECTION 17. IC 7.1-5-6-3, AS AMENDED BY P.L.159-2014, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) It is unlawful for a person to act as a clerk in a package liquor store, or as a bartender, waiter, waitress, or manager for a retailer permittee unless that person has applied for and been issued the appropriate permit. This section does not apply to dining car or boat employees or to a person described in ~~IC 7.1-3-18-9(d)~~. **IC 7.1-3-18-9(e)**. A person who knowingly or intentionally violates this subsection commits a Class B misdemeanor.

(b) It is a defense to a charge under this section if, not later than thirty (30) days after being cited by the commission, the person who was cited produces evidence that the appropriate permit was issued by the commission on the date of the citation.

(c) It is a defense to a charge under this section for a new applicant for a permit if, not later than thirty (30) days after being cited by the commission, the new applicant who was cited produces a receipt for a cashier's check or money order showing that an application for the appropriate permit was applied for on the date of the citation."

Page 11, between lines 27 and 28, begin a new paragraph and insert:
 "SECTION 20. IC 7.1-5-10-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2015]: **Sec. 26. (a) This section does not apply to the licensed premises of a drug store, grocery store, or restaurant to which the following apply:**

(1) A person has, as of July 1, 2015, an application on file with the commission for a:

- (A) dealer's permit for the drug store or grocery store; and**
- (B) retailer's permit for the restaurant.**

(2) The licensed premises of the:

- (A) drug store or grocery store; and**
- (B) restaurant;**

as described in the permit applications, are located in the same building.

(b) If:

(1) a person has an interest in:

- (A) a dealer's permit for a drug store or grocery store; and**
- (B) a retailer's permit for a restaurant; and**

(2) the licensed premises of the drug store or grocery store and the restaurant are located in the same building;

the licensed premises of the drug store or grocery store and the licensed premises of the restaurant must be completely separated by a wall and have separate entrances.

(c) Beer, wine, and liquor may not be sold for carry out from the licensed premises of a restaurant described in subsection (b).

SECTION 21. IC 31-16-12-13, AS ADDED BY P.L.80-2010, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. If a court finds that a person who holds or has applied for an employee's permit issued under ~~IC 7-1-3-18-9(a)(3)~~ **IC 7.1-3-18-9(b)(3)** is delinquent (as defined in IC 31-25-4-2) as a result of an intentional violation of an order for child support, the court shall issue an order to the alcohol and tobacco commission that:

- (1) requires the person's employee's permit be suspended until further order of the court;**
- (2) orders the chairman of the alcohol and tobacco commission not to issue an employee's permit to the person who is the subject of the order if the person does not currently hold an employee's permit; or**
- (3) orders the chairman of the alcohol and tobacco commission not to renew the employee's permit of the person who is the subject of the order.**

SECTION 22. IC 31-25-4-32, AS AMENDED BY P.L.80-2010, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 32. (a) When the Title IV-D agency finds that an



obligor is delinquent, the Title IV-D agency shall send, to a verified address, a notice to the obligor that does the following:

- (1) Specifies that the obligor is delinquent.
- (2) Describes the amount of child support that the obligor is in arrears.
- (3) States that unless the obligor:
 - (A) pays the obligor's child support arrearage in full;
 - (B) establishes a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order; or
 - (C) requests a hearing under section 33 of this chapter;

within twenty (20) days after the date the notice is mailed, the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent and that the obligor's driving privileges shall be suspended.
- (4) Explains that the obligor has twenty (20) days after the notice is mailed to do one (1) of the following:
 - (A) Pay the obligor's child support arrearage in full.
 - (B) Establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.
 - (C) Request a hearing under section 33 of this chapter.
- (5) Explains that if the obligor has not satisfied any of the requirements of subdivision (4) within twenty (20) days after the notice is mailed, that the Title IV-D agency shall issue a notice to:
 - (A) the board or department that regulates the obligor's profession or occupation, if any, that the obligor is delinquent and that the obligor may be subject to sanctions under IC 25-1-1.2, including suspension or revocation of the obligor's professional or occupational license;
 - (B) the supreme court disciplinary commission if the obligor is licensed to practice law;
 - (C) the department of education established by IC 20-19-3-1 if the obligor is a licensed teacher;
 - (D) the Indiana horse racing commission if the obligor holds or applies for a license issued under IC 4-31-6;
 - (E) the Indiana gaming commission if the obligor holds or applies for a license issued under IC 4-33 and IC 4-35;
 - (F) the commissioner of the department of insurance if the obligor holds or is an applicant for a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3;
 - (G) the director of the department of natural resources if the



obligor holds or is an applicant for a license issued by the department of natural resources under:

- (i) IC 14-22-12 (fishing, hunting, and trapping licenses);
- (ii) IC 14-22-14 (Lake Michigan commercial fishing license);
- (iii) IC 14-22-16 (bait dealer's license);
- (iv) IC 14-22-17 (mussel license);
- (v) IC 14-22-19 (fur buyer's license);
- (vi) IC 14-24-7 (nursery dealer's license); or
- (vii) IC 14-31-3 (ginseng dealer's license); or

(H) the alcohol and tobacco commission if the obligor holds or applies for an employee's permit under ~~IC 7-1-3-18-9(a)(3)~~.

IC 7.1-3-18-9(b)(3).

(6) Explains that the only basis for contesting the issuance of an order under subdivision (3) or (5) is a mistake of fact.

(7) Explains that an obligor may contest the Title IV-D agency's determination to issue an order under subdivision (3) or (5) by making written application to the Title IV-D agency within twenty (20) days after the date the notice is mailed.

(8) Explains the procedures to:

- (A) pay the obligor's child support arrearage in full; and
- (B) establish a payment plan with the Title IV-D agency to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) Whenever the Title IV-D agency finds that an obligor is delinquent and has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (3) request a hearing under section 33 of this chapter within twenty (20) days after the date the notice described in subsection (a) is mailed;

the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent.

(c) An order issued under subsection (b) must require the following:

- (1) If the obligor who is the subject of the order holds a driving license or permit on the date the order is issued, that the driving privileges of the obligor be suspended until further order of the Title IV-D agency.
- (2) If the obligor who is the subject of the order does not hold a driving license or permit on the date the order is issued, that the



bureau of motor vehicles may not issue a driving license or permit to the obligor until the bureau of motor vehicles receives a further order from the Title IV-D agency.

(d) The Title IV-D agency shall provide the:

- (1) full name;
- (2) date of birth;
- (3) verified address; and
- (4) Social Security number or driving license number;

of the obligor to the bureau of motor vehicles.

(e) Whenever the Title IV-D agency finds that an obligor who is an applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the board regulating the practice of the obligor's profession or occupation stating that the obligor is delinquent.

(f) An order issued under subsection (e) must direct the board or department regulating the obligor's profession or occupation to impose the appropriate sanctions described under IC 25-1-1.2.

(g) Whenever the Title IV-D agency finds that an obligor who is an attorney or a licensed teacher is delinquent and the attorney or licensed teacher has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the department of education if the obligor is a licensed teacher, that the obligor is delinquent.

(h) Whenever the Title IV-D agency finds that an obligor who holds a license issued under IC 4-31-6, IC 4-33, or IC 4-35 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (3) request a hearing under section 33 of this chapter;



the Title IV-D agency shall issue an order to the Indiana horse racing commission if the obligor holds a license issued under IC 4-31-6, or to the Indiana gaming commission if the obligor holds a license issued under IC 4-33 or IC 4-35, stating that the obligor is delinquent and directing the commission to impose the appropriate sanctions described in IC 4-31-6-11, IC 4-33-8.5-3, or IC 4-35-6.7-2.

(i) Whenever the Title IV-D agency finds that an obligor who holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the commissioner of the department of insurance stating that the obligor is delinquent and directing the commissioner to impose the appropriate sanctions described in IC 27-1-15.6-29 or IC 27-10-3-20.

(j) Whenever the Title IV-D agency finds that an obligor who holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the director of the department of natural resources stating that the obligor is delinquent and directing the director to suspend or revoke a license issued to the obligor by the department of natural resources as provided in IC 14-11-3.

(k) If the Title IV-D agency finds that an obligor who holds an employee's permit issued under ~~IC 7-1-3-18-9(a)(3)~~ **IC 7.1-3-18-9(b)(3)** has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
- (3) request a hearing under section 33 of this chapter;

the Title IV-D agency shall issue an order to the alcohol and tobacco commission stating that the obligor is delinquent and directing the



alcohol and tobacco commission to impose the appropriate sanctions under IC 7.1-3-23-44.

(l) A person's most recent address on file with the bureau constitutes a verified address for purposes of this section.

SECTION 23. IC 31-25-4-34, AS AMENDED BY P.L.80-2010, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 34. (a) As used in this section, "board" has the meaning set forth in IC 25-1-1.2-2.

(b) If an obligor holds a license issued by a board and requests a hearing under section 33 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the board that issued the obligor's license:

- (1) stating that the obligor is delinquent; and
- (2) requiring the board to comply with the actions required under IC 25-1-1.2-8(b).

(c) If an obligor holds a license issued under IC 4-31-6, IC 4-33, or IC 4-35 and requests a hearing under section 33 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the:

- (1) Indiana horse racing commission, if the obligor holds a license issued under IC 4-31-6; or
- (2) Indiana gaming commission, if the obligor holds a license issued under IC 4-33 or IC 4-35;

stating that the obligor is delinquent and requiring the commission to comply with the actions required under IC 4-31-6-11, IC 4-33-8.5-3, or IC 4-35-6.7-2.

(d) If an obligor holds a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 and requests a hearing under section 33 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the commissioner of the department of insurance:

- (1) stating that the obligor is delinquent; and
- (2) requiring the commissioner to comply with the actions required under IC 27-1-15.6-29 or IC 27-10-3-20.

(e) If an obligor holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 and requests a hearing under section 33 of this chapter but fails to appear, or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the director of the department of natural resources:

- (1) stating that the obligor is delinquent; and
- (2) requiring the director to suspend or revoke a license issued by



the department as provided in IC 14-11-3.

(f) If an obligor:

(1) holds an employee's permit issued under ~~IC 7.1-3-18-9(a)(3);~~
IC 7.1-3-18-9(b)(3); and

(2) requests a hearing under section 33 of this chapter but fails to appear or appears and is found to be delinquent;

the Title IV-D agency shall issue an order to the alcohol and tobacco commission stating that the obligor is delinquent and requiring the commission to impose the appropriate sanctions under IC 7.1-3-23-44."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1542 as reprinted February 24, 2015, Printer's Error.)

MESSMER, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1542 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-1-3-13.5, AS AMENDED BY P.L.40-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13.5. "Conviction for operating while intoxicated" means a conviction (as defined in IC 9-13-2-38):

(1) in Indiana for

(A) ~~an alcohol related or drug related crime under Acts 1939, c.48, s.52; as amended, IC 9-4-1-54 (repealed September 1, 1983); IC 9-11-2 (repealed July 1, 1991); or IC 14-1-5 (repealed July 1, 1995); or~~

~~(B) a crime under IC 9-30-5-1 through IC 9-30-5-9, IC 35-46-9, IC 35-46-9-6, or IC 14-15-8 (before its repeal); or~~

(2) in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a crime described in IC 9-30-5-1 through IC 9-30-5-9, IC 35-46-9-6, or IC 14-15-8-8 (before its repeal)."

Page 3, delete line 42, begin a new paragraph and insert:

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"SECTION 5. IC 7.1-3-1-18, AS AMENDED BY P.L.224-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) ~~Whenever, under the provisions of this title,~~ **Except as provided in subsections (d) and (e),** if publication of notice of application for a permit is required **under this title**, the publication shall be made in one (1) newspaper of general circulation published in the county where the permit is to be in effect.

(b) Publication required ~~by this section~~ **under subsection (a)** may be made in any newspaper of general circulation published one (1) or more times each week.

(c) The rates which shall be paid for the advertising of a notice required under this title shall be those required to be paid in case of other notices published for or on behalf of the state.

(d) The commission may publish notice of application for a:

(1) three-way permit for a restaurant described in IC 7.1-3-20-12(4); or

(2) seasonal permit granted under IC 7.1-3-20-22;

by posting the notice on the commission's Internet web site.

(e) If:

(1) the commission is unable to procure advertising of a notice as required under subsection (a) at the rates set forth in IC 5-3-1; or

(2) the newspaper published in the county as described in subsection (a) refuses to publish the notice;

the commission may, instead of publication in a newspaper as required under subsection (a), require the designated member of the local board of the county to post printed notices in three (3) prominent locations in the county."

Page 4, delete lines 1 through 12.

Page 4, line 23, delete "includes" and insert "**means**".

Page 4, line 23, delete "or" and insert "**and**".

Page 4, line 39, delete "at" and insert "**on the premises of**".

Page 4, line 39, after "facility" insert "**campus**".

Page 7, delete lines 11 through 42, begin a new paragraph and insert:

"SECTION 10. IC 7.1-3-18-9, AS AMENDED BY P.L.165-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The commission may issue an employee's permit to a person who desires to act as:

(1) a clerk in a package liquor store;

(2) an employee who serves wine at a farm winery; or

(3) a bartender, waiter, waitress, or manager in a retail



establishment, excepting dining car and boat employees.

(b) A permit authorized by this section is conditioned upon the compliance by the holder with reasonable rules relating to the permit which the commission may prescribe from time to time.

(c) A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.

(d) A person who, for a package liquor store or retail establishment, is:

- (1) the sole proprietor;
- (2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;
- (3) a member of a limited liability company that owns the business establishment; or
- (4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

(f) The commission may not issue an employee's permit to an applicant while the applicant is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole.

(g) The commission may not issue an employee's permit to an applicant who has two (2) unrelated convictions for operating while intoxicated if:

- (1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and
- (2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit.

(h) If an applicant for an employee's permit has at least three (3) unrelated convictions for operating while intoxicated in the ten (10) years immediately preceding the date of the applicant's application for



the permit, the commission may not grant the issuance of the permit. If, in the ten (10) years immediately preceding the date of the applicant's application the applicant has:

- (1) one (1) conviction for operating while intoxicated, and the applicant is not subject to subsection (f); or
- (2) two (2) unrelated convictions for operating while intoxicated, and the applicant is not subject to subsection (f) or (g);

the commission may grant or deny the issuance of a permit.

(i) **Except as provided under section 9.5 of this chapter**, the commission shall revoke a permit issued to an employee under this section if:

- (1) the employee is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a); or
- (2) the employee is convicted of operating while intoxicated after the issuance of the permit.

The commission may revoke a permit issued to an employee under this section for any violation of this title or the rules adopted by the commission.

SECTION 11. IC 7.1-3-18-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 9.5. (a) This section applies only to an employee who:**

- (1) holds an employee's permit issued under section 9 of this chapter;**
- (2) is convicted of operating while intoxicated;**
- (3) does not have a prior conviction for operating while intoxicated; and**
- (4) was at least twenty-one (21) years of age at the time the employee committed the offense of operating while intoxicated for which the employee was convicted.**

(b) The commission shall send to the most recent mailing address that the commission has on file a written notice to an employee that the employee's permit will be revoked six (6) months after the date of sentencing for the conviction of operating while intoxicated unless the employee submits to the commission, on a form prescribed by the commission, information verifying that the employee has completed an appropriate substance abuse treatment or education program that was provided by a provider certified by the division of mental health and addiction.

(c) If an employee fails to submit the information as required under subsection (b) within six (6) months from the date of the sentencing, the commission shall revoke the employee's permit.



SECTION 11. IC 7.1-3-19-5, AS AMENDED BY P.L.94-2008, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. The commission shall cause one (1) notice of the pending investigation to be published ~~in a newspaper~~ in accordance with the provisions of IC 7.1-3-1-18. The publication of the notice shall be at least ~~fifteen (15)~~ **five (5)** days before the investigation."

Delete page 8.

Page 9, delete lines 1 through 15.

Page 9, line 27, delete "night" and insert "**day**".

Page 12, delete lines 22 through 42.

Delete page 13.

Page 14, delete lines 1 through 18.

Page 14, delete lines 32 through 42.

Page 15, delete lines 1 through 7.

Page 16, line 1, after "facility" insert "**campus**".

Page 16, line 1, delete "IC 7.1-3-1-29(b))" and insert "**IC 7.1-3-1-29(c))**".

Page 17, delete lines 16 through 42.

Delete pages 18 through 22.

Page 23, delete line 1.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1542 as printed April 10, 2015.)

MESSMER

